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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,532	12/18/2001	Shih-Ping Liou	2000P09105US01	5551

7590 08/25/2005

Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

JAROENCHONWANIT, BUNJOB

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,532

Applicant(s)

LIYOU ET AL.

Examiner

Bunjob Jaroenchonwanit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9,11,13-19,21 and 23-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9,11,13-19,21 and 23-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to amendment filed 05/20/2005, the amendment has been considered. Claims 1—9, 11,13-19, 21 and 23-31 are pending for examination, newly rejection are as stated below.

2. The text of those sections of Title 35, U.S. Code § 103 (a) not included in this action can be found in a prior Office Action.

3. Claims 1-9, 11, 13-19 & 21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grunenfelder et al (US 6,697,701 “Grunenfelder,” hereafter) and G.R. Rajugopal/R.H.M. Hafez (Non Patent Literature, “Hafez,” hereafter) and further in view of Scott (US 20050007952).

4. As per claims 1, 11, 16, 19, 21, & 24 Grunenfelder disclosed a method for frame streaming using intelligent frame selection comprising the steps of: ranking a plurality of frames according to a plurality of priorities; and selecting, during a nm-time, a frame for transmission over a network to a receiving client (col.2, lines 36-49). However Grunenfelder did not explicitly disclose wherein selecting the frame comprises determining a time of transmission, wherein the time of transmission is the time the frame will take to reach the receiving client and discarding out of order frame by observing time stamp. In the same field of endeavor Hafez disclosed wherein the time of transmission is the time the frame will take to reach the receiving client (page 35, col. 1, lines 49-54, col.2, lines 1-23). Furthermore, Scott taught the same was used in transmission voice over IP, Scott’s inventive concept including discarding out of order frame without transmitting to its client (see Scott ¶ 10 &44). It would have been obvious to one in the ordinary skill in the art to incorporated the time the frame would take to reach the receiver

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disclosed by Hafez as one of the criteria in selecting the frames for transmission or to discard as taught by Scott with Grunenfelder's the inventive concept, in order to overcome the unforeseen network congestions that may lie ahead in the path of the frame and thus making the delivery of the frame to the client receiver robust.

5. As per claims 2 & 23 Grunenfelder-Hafez-Scott disclosed the method of claim 1, further comprising the steps of determining a priority one game according to a position in the video; and determining a priority two frame according to dynamic information in the video (Grunenfelder col.2, lines 66-67 & col.3, lines 1-17)

6. As per claim 3 Grunenfelder-Hafez-Scott disclosed the method of claim 2, wherein dynamic information comprises one of visual effects, camera motion, and object motion (Hafez, page 34, col. 1, lines 52-56, col.2, lines 1-8 & page 35, col. 1, lines 8-30).

7. As per claim 4 Grunenfelder-Hafez-Scott disclosed the method of claim 1, wherein frames are ranked according to semantic information (Grunenfelder, col.2, lines 35-49 & col.8, lines 40-59).

8. As per claim 5 Grunenfelder-Hafez-Scott disclosed the method of claim 1, wherein semantic information is determined according to a table of contents (Grunenfelder, col.2, lines 35-49 & col.8, lines 40-59).

9. As per claims 6-9 Grunenfelder-Hafez disclosed the method of claim 21, wherein the step of processing the frame further comprises the steps of: determining whether the frame can, arrive at a client in time, depending on a frame timestamp, an expected available bandwidth and a current time; and determining whether a next higher priority frame can arrive at the client in time, if the frame is sent to the client (Hafez, page 35, col. 1, lines 49-54, col.2, lines 1-31).

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10. As per claim 7 Grunenfelder-Hafez-Scott disclosed the method of claim 1, further comprising the step of determining a round-trip-time (Hafez, page 35, coml., lines 49- 54, col.2, lines 1-23).

11. As per claims 13-18 & 25 Grunenfelder-Hafez-Scott disclosed the system of claim 24, wherein the streaming server comprises: a sorting module for sorting a plurality of frames (Grunenfelder, col.2, lines 50-65), according to timestamps, within a queue, wherein frames have one of three or more priorities; and a sending module for determining whether the top frame is to be sent to a client according to a latest start time of the frame (Grunenfelder, col.3, lines 58-67 & col.4, lines 1-17).

12. As per claims 26, 28, 29 & 30 Grunenfelder-Hafez-Scott disclosed the system of claim 24, further comprising the streaming server further comprises: a controller for maintaining a control link to a client player via which the player can send request and statistics information; a server for delivering time-stamped frames; and a video server for delivering an audio track (Hafez, page 37, col. 1, lines 22-52).

13. As per claim 27 Grunenfelder-Hafez-Scott disclosed the system of claim 26, wherein the controller selects a server to transmit frames and controls the servers providing the frames (Grunenfelder, col.2, lines 50-65).

14. As per claim 31 Grunenfelder-Hafez-Scott disclosed the system of claim 28, wherein the client player further comprises an audio/visual module for displaying content (Hafez, page 37, col. 1, lines 22-52).

15. Applicant's arguments filed 05/20/2005 have been considered but are moot in view of the new ground(s) of rejection.

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16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

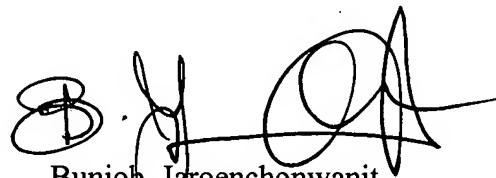
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (571) 272-3913. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of stylized, overlapping loops and lines, positioned above the printed name and title.

Bunjob Jaroenchonwanit
Primary Examiner
Art Unit 2143

/bj
8/19/05